IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 15386 of 2005

Between:

M/s. Reliance Petro Marketing (P) Limited, Hyderabad, Rep. by its Deputy Manager-Taxation, Sri B.V.D. Nagaraj Kumar.

..... PETITIONER

AND

1 Commercial Tax Officer, Basheerbagh Circle, Hyderabad.
2 Assistant Commissioner (CT) INT., Abids Division, Hyderabad.
3 Appellate Deputy Commissioner (CT), Secunderabad Division,

Hyderabad.
4 Additional Commissioner (CT) Legal, HYderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Mandamus granting stay of collection of the disputed tax of Rs. 3,70,50,402/- for the year 2004-2005 (APGST) (Provl.) (Upto Oct. 200) pursuant to the stay rejection orders of the Fourth Respondent dated 7-7-2005 pending disposal of the appeal before the third Respondent or to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.KRISHNA MURTHY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

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Heard learned Counsel for the parties. With their consent, the writ petition is disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is disposed of accordingly. No costs.

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(Bilal Nazki, ACJ)

15th July, 2005

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(G.Chandraiah,J)

Note: Issue wire at party's cost

B/o

vrn

To

1 The Commercial Tax Officer, Basheerbagh Circle, Hyderabad.
2 The Assistant Commissioner (CT) INT., Abids Division,

Hyderabad.
3 The Appellate Deputy Commissioner (CT), Secunderabad

Division, Hyderabad.
4 The Additional Commissioner (CT) Legal, HYderabad.

5 Two C.Cs to the G.P. for Commercial Taxes, High Court

Buildings, A.P., Hyderabad (OUT)

6 Two CD copies

7 1 CC to MR.KRISHNA MURTHY

*Form-NIC-OGS/WP{**SPJS**}*